

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

Jack Brooks and Ellen Brooks, on behalf)
of themselves and all other similarly)
situated,)
) C.A. No. 8:07-3988-HMH
Plaintiffs,)
)
vs.) **OPINION & ORDER**
)
GAF Materials Corporation,)
)
Defendant.)

On December 18, 2007, the court remanded this action for lack of jurisdiction based on the one-year cap on removal set forth in 28 U.S.C. § 1446(b). Although the Defendant has not moved to reconsider, the court has determined that because this case is a putative class action, the one-year time bar to removal does not apply in this case. See 28 U.S.C. § 1453(b). Therefore, the court's December 18, 2007, order is rescinded.

In addition, the parties are ordered to respond within fifteen (15) days of the date of this order to the issue of whether the amount in controversy "exceeds the sum or value of \$5,000,000, exclusive of interest and costs." 28 U.S.C. § 1332(d)(6).

Therefore, it is

ORDERED that the court's December 18, 2007, order is rescinded. It is further

ORDERED that the parties are ordered to respond within fifteen (15) days of this date of this order to the issue of whether the amount in controversy has been satisfied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
January 4, 2008